

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BILLY BRANTLEY, et al.	:	Case No. C-01-378
	:	
Plaintiffs,	:	Judge Susan J. Dlott
	:	
vs.	:	
	:	
CINERGY CORP.	:	SUPPLEMENTAL
	:	AFFIDAVIT OF BERNADETTE
	:	<u>REINHARD</u>
Defendant.	:	

STATE OF OHIO)
)ss.
COUNTY OF HAMILTON)

Comes now affiant, Bernadette Reinhard, after being duly cautioned and sworn, states as follows:

1. That I have been employed with by Cinergy Services, Inc. since 1996 in the positions of Associate Staffing Consultant, Staffing Consultant and am presently employed as Lead Staffing Consultant effective March 1, 2001.
2. That my job responsibilities in these positions have included and include assisting various departments in the hiring process including, but not limited to, scheduling, screening resumes, interviewing, testing of applicants and consultation with the hiring managers.
3. That I have reviewed and am familiar with the Targeted Selection process and materials for the Lineperson Apprentice Program and the process and

materials relating to the Lineperson "C" Assessment Process and have reviewed the results of the Lineperson "C" Assessment Process as it relates to Rodney Jones.

4. That the Lineperson "C" position is the first in a sequence of Lineperson positions and The Cincinnati Gas & Electric Company ("CG&E") fills the jobs with the most qualified candidates.

5. That an applicant for a Lineperson "C" position must qualify through a series of tests for the position and it is not a position that any employee automatically receives based upon his or her current years of service with CG&E.

6. That the Lineperson "C" position is posted approximately 3-4 times per year. Resumes and applications are accepted from both existing CG&E employees, and external applicants.

7. That a limited number of applicants are classified as "candidates" and invited to participate in the initial assessments.

8. That all candidates must first pass a "Manual Battery" written test. Once a candidate has passed this test, it need not be re-taken in subsequent Assessment Processes.

9. That candidates who have passed the "Manual Battery" test are invited to participate in the "Apprentice Lineworker Simulation" (hereafter "Field Assessment") which measures their "on the job" competencies.

10. That candidates who demonstrate minimally acceptable performance on the Field Assessment are subsequently interviewed. The interviews are structured. The scores from the Field Assessment and the interview are weighted equally. The average is taken to determine the candidate's final score.

11. That one component of the Field Assessment, however, is known as the “Working at Heights” component. Any candidate who fails the “Working at Heights” portion of the Field Assessment is automatically disqualified from section in the Hiring Assessment, regardless of the candidate’s performance otherwise.

12. That the Lineperson “C” Assessment Process is fully validated in accordance with EEOC guidelines.

13. That 329 applicants applied for the August 1997 Assessment, Job Posting 97-223.

14. That thirteen (13) candidates were hired in the August 1997 Assessment, Job Posting 97-223.

15. That 63 applicants applied for the August 1998 Assessment, Job Posting 98-196.

16. That twelve (12) candidates were hired in the August 1998 Assessment, Job Posting 98-196.

17. That 159 applicants applied for the February, 1999 Lineperson “C” Assessment, Job Posting 98-404.

18. That six (6) candidates were hired in the February, 1999 Lineperson “C” Assessment, Job Posting 98-404 and the successful candidates’ scores ranged from 93.3 to 76.

19. That Jones scored a 61 and twelve (12) candidates who were not hired scored higher than Jones and that Exhibit “A” is a true and accurate copy of the scores of the hired candidates and of Rodney Jones for the February, 1999 Lineperson “C” Assessment, Job Posting 98-404.

20. That Martin scored a 60 and fourteen (14) candidates who were not hired scored higher than Martin in a "Pass" or "High Pass" score.

21. That even if Martin had not received an automatic failure as a result of failing the Working at Heights Exercise, his score was substantially below the lowest scored of a hired candidate.

22. That 167 applicants applied for the April, 1999 Lineperson "C" Assessment, Job Posting 99-115.

23. That five (5) candidates were hired in the April, 1999 Lineperson "C" Assessment, Job Posting 99-115 and the successful candidates' scores ranged from 94.2 to 72.8.

24. That Rodney Jones scored 63.3 and nine candidates who were not hired scored higher than Jones and that Exhibit "B" is a true and accurate copy of the scores of the hired candidates and of Rodney Jones for the April, 1999 Lineperson "C" Assessment, Job Posting 99-115.

25. That 188 applicants applied for the August, 1999 Lineperson "C" Assessment, Job Posting 99-250.

26. That twelve (12) candidates were hired in the August, 1999 Lineperson "C" Assessment, Job Posting 99-250 and the successful candidates' scores ranged from 85.0 to 72.8.

27. That Rodney Jones scored 61.7 and eighteen candidates who were not hired scored higher than Rodney Jones and that Exhibit "C" is a true and accurate copy of the scores of the hired candidates and of Rodney Jones for the August, 1999 Lineperson "C" Assessment, Job Posting 99-250.

28. That 276 applicants applied for the January 2000 Assessment, Job Posting 99-494.

29. That eight (8) candidates were hired in the January 2000 Assessment, Job Posting 99-494 and the successful candidates' scores ranged from 92.1 to 70.

30. That Rodney Jones scored 66.3 and five candidates who were not hired scored higher than Rodney Jones and that Exhibit "D" is a true and accurate copy of the scores of the hired candidates and of Rodney Jones for the January 2000 Assessment, Job Posting 99-494.

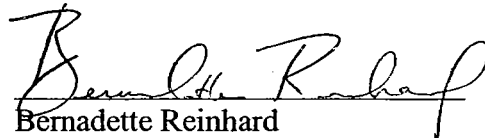
31. That 268 applicants applied for the April 2000 Assessment, Job Posting 00-83.

32. That eight (8) candidates were hired in the April 2000 Assessment, Job Posting 00-83 and the successful candidates' scores ranged from 85.4 to 77.0.

33. That Rodney Jones scored 74.1 and four candidates who were not hired scored higher than Rodney Jones and that Exhibit "E" is a true and accurate copy of the scores of the hired candidates and of Rodney Jones for the April 2000 Assessment, Job Posting 00-83.

34. That I have first-hand knowledge of the above facts.

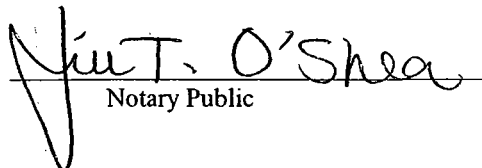
FURTHER AFFIANT SAYETH NAUGHT.


Bernadette Reinhard

NOTARY OF PUBLIC

Sworn to and subscribed in my presence this 30th day of July, 2003.

JILL T. O'SHEA, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION
DATE. SECTION 147.03 O.R.C.


Notary Public



CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was served via hand-delivery this 1st day of August, 2003 to:

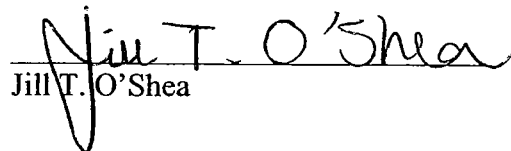
Paul H. Tobias
David D. Kammer
TOBIAS, KRAUS & TORCHIA, LLP
414 Walnut Street
Suite 911
Cincinnati, OH 45202

I certify that a copy of the foregoing pleading was served via overnight mail this 1st day of August, 2003 to:

David W. Sanford
Eric Bachman
Charles Dixon
Gordon, Silberman, Wiggins & Childs, P.C.
7 DuPont Circle, N.W.
Suite 200
Washington, D.C. 20036

I certify that a copy of the foregoing pleading was served via regular mail this 1st day of August, 2003 to:

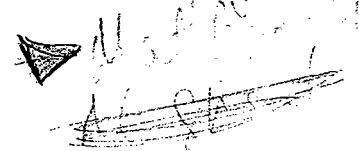
Grant E. Morris
Law Offices of Grant E. Morris
7 DuPont Circle, N.W.
Suite 250
Washington, D.C. 20036


Jill T. O'Shea

Sheet1

NAME	FIELD	INTERVIEW	TOTAL AVERAGE	COMPENTENCIES		
				FIELD	FIELD	INTERVIEW
✓ JOE GRAHAM	64 LP	69 LP	133	66.5	OK ✓	2-17
✓ JERRY SHAFFER	88 P	73.6 P	161.6	80.8		
✓ JASON SEITER	70.4 P	67 LP	137.4	68.7	OK ✓	2-16
✓ STEVE BROOME	65 LP	64 LP	129	64.5	OK ✓	
✓ MATT BROWN	82.4 P	71 P	153.4	76.7	OK ✓	2-16
✓ SHANE DONOVAN	96.6 HP	76 P	172.6	86.3		Work ethic lower than K. Stith
✓ JEREMY BARBOUR	95 HP	91.6 HP	186.6	93.3		
✓ CHARLES CARTER	69 LP	67.2 LP	136.2	68.1	OK ✓	2-16
✓ MARK MCCANE	72 P	68 LP	140	70	OK ✓	2-9
✓ AL SHORT	76.6 P	73 P	149.6	74.8	OK ✓	2-11
✓ ART HEBER	57 LP	63.6 LP	120.6	60.3	OK ✓	2-10
✓ JASON CARNAHAN	64.8 LP	65.6 LP	130.4	65.2	OK ✓	2-11
✓ JOHN KOHL	89.6 P	62 LP	151.6	75.8	OK ✓	2-15
✓ CHRIS MCMILLAN	66.8 LP	62 LP	128.8	64.4	OK ✓	2-15
✓ KEVIN STITH	84 P	68 LP	152	76		
✓ RODNEY JONES	58.4 LP	63.6 LP	122	61	OK ✓	2-11
✓ RON HAZENFIELD	73.2 P	80 P	153.2	76.6	OK ✓	2-9
✓ CRAIG GOOD	89.2 P	74.6 P	163.8	81.9		
✓ JASON BURKLE	55.8 LP	64 LP	119.8	59.9	OK ✓	2-10
✓ MIKE MILLER	78.6 P	78.6 P	157.2	78.6		
✓ ROBERT POPE	67 LP	50.6 LP	117.6	58.8	OK ✓	2-15
✓ JIM HARRELL	55.2 LP	60 LP	115.2	57.6	OK ✓	2-11
✓ SCOTT SIMS	74.4 P	65.6 LP	140	70	OK ✓	2-16

Backups


 Jerry Shaffer
 Kevin Stith
 Shane Donovan
 Craig Good
 Mike Miller

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A	ANDREW GRINER	42.8 (Fail)			
A	CHRIS BALSER	49.4 (Fail)			
✓	JON HOLMES	40.6 (Fail)			
✓	ANTHONY MARTIN	60 (Fail)			
A	BENNIE MCCLANAHAN	51.4 (Fail)			

NAME	FIELD	INTERVIEW	TOTAL	AVERAGE
✓ Matt Brown	89.8	74.6	164.4	-82.2
✓ Thomas Jones	72.0	54.6	126.6	63.3
✓ Stephen Jackson	83.4	68.6	152	76
✓ Keith Chavies	46.2	—	46.2	23.1
✓ Thong Vongsy	67.8	71.2	139	69.5
✓ Greg McKee	68.2	56.6	124.8	62.4
✓ Ronald Simpson	61.2	89.6	150.8	75.4
✓ Mark McCane	71.2	83.6	154.8	77.4
✓ Katherine Messer	73	72.6	145.6	72.8
✓ Randy Carr	47.4	—	47.4	23.7
✓ Jeremy Roberts	76.8	65.2	142	71
✓ Rodney Jones	71.0	52.4	123.4	61.7
✓ Jason Mitchell	81.2 89.2	81.6	170.8	-85.4
✓ Tony Markus	54.8	—	54.8	27.4
✓ Joe Zorb	68.8	38.6	107.4	53.7
✓ John Schulte	84.2	73.4	157.6	78.8
✓ Daniel Helm	72.2	67.6	139.8	-69.9
✓ Thomas Padgett	64	62.6	126.6	63.3
✓ Kyle McMahan	93.8	94.6	188.4	94.2
✓ Kirby Rothenbuerger 66.2	69.4	65.4	131.6	65.8
✓ Charles Carter	90.6	79	169.6	84.8

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8/14/99

LEADS III -- East

Final Scores

Name	Field	Interview	Total	Comments	Gender/Race
Gary Robbins	95.2	76.6	85.9		M/W
Jason Carnahan	89.6	77.2	83.4		M/W
Shawn Akers	76.8	89.4	83.1		M/W
Jason Frazier	91.4	72.4	81.9		M/W
Jason Seiter	88.2	75	81.6		M/W
Mike Reinhard	87.4	72	79.7		M/W
Tim Delph	81	75.4	78.2		M/W
Mark McCane	71.2	83.6	77.4	Previous Candidate	M/W
Joseph Julick	82.8	69.2	76		M/W
Stephen Jackson	83.4	68.6	76	Previous Candidate	M/W
Ronald Simpson	61.2	89.6	75.4	Previous Candidate	M/W
Michael Kunstman	77	71.4	74.2		M/W
Tom Heintzman	75.4	72.4	73.9		M/W
Todd French	69.4	76.2	72.8		M/W
Jim Zappa	80.6	65	72.8		M/W
Ron Meranda	71.4	71.6	71.5		M/W
Jeremy Roberts	76.8	65.2	71	Previous Candidate	M/W
Daniel Helm	72.2	67.6	69.9	Previous Candidate	M/W
Thong Vongsy	67.8	71.2	69.5	Previous Candidate	M/W
Brian Blair	68.4	70.2	69.3		M/W
Tim Lantry	76.4	60	68.2		M/W
Matt Hinkel	72.8	63.6	68.2		M/W
Kirby Rothenbuerger	66.2	65.4	65.8	Previous Candidate	M/W
Thomas Padgett	64	67.6	65.8	Previous Candidate	M/W
Damon Meister	71	60	65.5		M/W
Robert Pope	70.8	59.2	65		M/W
Terrance Hanks	61.4	67.6	64.5		M/B
Thomas Jones	72	54.6	63.3	Previous Candidate	M/W
Greg McKee	68.2	56.6	62.4	Previous Candidate	M/W
Robert Hill	64.4	60	62.2		M/W
Rodney Jones	71	52.4	61.7	Previous Candidate	M/B
Danny Trowbridge	76	47	61.5		M/W
Joseph Zorb	68.8	38.6	53.7	Previous Candidate	M/W
Brandon Parker	57.8	0	28.9		M/W
Jeffrey Young	56.4	0	28.2		M/W
Daniel Knotts	56	0	28		M/W
Rick Stottlemeyer	54.6	0	27.3		M/W
Chris Mulberry	52.5	0	26.25		M/W
Jeff Weckbach	49.4	0	24.7		M/W
Matthew Hammond	48.6	0	24.3		M/W
John David	43.8	0	21.9		M/B
Mike Heck	42.7	0	21.35		M/W

✓ = hired
X = contacted re. non-successful
N = No Need to contact

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LEADS III -- East Final Scores

8/14/99

Matt Bertram	41	0	20.5		M/W
Trenton Shuttlesworth	0	0	0	Failed Heights	M/B
Ronald Harrison	0	0	0	Failed Heights	M/W
John Blom	0	0	0	Failed Heights	M/W
Kent Scott	0	0	0	Failed Heights	M/W
David McDonald	0	0	0	Failed Heights	M/W
Charlie Wilson	0	0	0	Quit Assessment	M/W
Kelly Ravakhah	0	0	0	No Show Assmt	F/B
Sebastian Edwards	0	0	0	Failed Heights	M/B

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CIN023032

Most important - Ethical
Heights
Climbing

YEAR 2000
LEADS I - EAST
Final Scores

Name	Field	Interview	Score Total	Total Average
1/29 Accepts * P Matt Bertram *	82.4	60	142.40	71.2
P ✓ Daniel Helm ALT(1)	67.6	70.6	138.2	69.1
P Rodney Jones	70.6	62	132.6	66.3
LP Stephen Reis	68	63.6	131.6	65.8
1/29 Accepts * HP Brian Cox *	98.6	78.6	177.2	88.6
1/29 Accepts * P Brian Schultz *	87.6	69	156.6	78.3
P Kirby Rothenbureger	71.4	61.6	133	66.5
Donald Robinson	57.4 (Failure)	-----	57.4	28.7
LP Shawn Hansen	66.6	60	126.6	63.3
LP Tony Markus	68.4	60	128.4	64.2
1/29 Accepts * P Jeff Bamforth *	77.8	78.6	156.4	78.2
F Kenneth Cross	Failed Heights	-----		
F James Feltner	52.8 (Failure)	-----	52.8	26.4
LP Jason Buerkle	65.6	58	123.6	61.8
LP Luke Cox	64	60	124	62
F Kris Brunner	Failed Heights	-----		
F Brian Frazier	52.8 (Failure)	-----	52.8	26.4
F Brian Jackson	56.8 (Failure)	-----	56.8	28.4
LP Thong Vongsy	70.8	58	128.8	64.4
LP Donald Bolser	68	54.6	122.6	61.3
F Charles Bryan	49.2 (Failure)	-----	49.2	24.6
F N. Scott Plummer	46.2 (Failure)	-----	46.2	23.1
F Timothy Carter	70.6	30.4	101	50.5
P Larry Massey	70	65	135	67.5
LP Wayne Jordan	65.2	60	125.20	62.6
1/29 Accepts * P Steve Repler *	71.4	68.6	140	70
F Michael Reilmann	56.6 (Failure)	-----	56.6	28.3
F David Wright	57.8 (Failure)	-----	57.8	28.9
LP R. Scott Clark	70.2	45.4	115.6	57.8
P ✓ Paul Dennis ALT(2)	74.4	60	134.4	67.2
1/29 Accepts * P Christian Schaffer *	79.4	72.6	152	76
P Joe Williams	80.8	64	144.8	72.4
F Doug Wunder	56 (Failure)	-----	56	28
1/29 Accepts * HP Rodney Karr *	93.8	90.4	184.2	92.1
LP John Hater	64	59.8	123.8	61.9
1/29 Accepts * P Phil Eady *	85.8	69.6	155.4	77.7
F Brian Ward	42 (Failure)	-----	42	21
F Andrew Steffen	50.8 (Failure)	-----	50.8	25.4
F Richard Harrison	Failed Heights	-----		
LP John McWilliams	65.2	60	125.2	62.6
LP Mark McCane	67.4	54.8	122.2	61.1
Christopher Olding	No Show	N/A	N/A	N/A
Richard Cerro	No Show	N/A		N/A

HP = 2; P = 12; LP = 12; F = 1

14 Failed Assessments
2 No Shows

Year 2000
LEADS II – Cinergy East

Final Scores

Name	Field	Interview	Score Total	Total Average
Rodney Jones	82.6	65.6	148.2	74.1
Thong Vongsy	88	60.6	148.6	74.3
David Wright	71	67.2	138.2	69.1
Al Short	75.6	69.2	144.8	72.4
Patrick Allen	52.8 (Failure)	-----	52.8	26.4
Mark Tischner	67.8	62	129.8	64.9
Paul Dennis	88	71	159	79.5
Kelly Craddock	74.4	69	143.4	71.7
Christopher Geiman	83.8	81.8	165.6	82.8
Jeremy Roberts	87.2	65.6	152.8	76.4
Marcus Greer	Failed Heights	-----		
Mitchell Hall	Failed Heights	-----		
Thomas Ball	71	71	142	71
Craig Rittinger	69.8	61.4	131.2	65.6
Ben Krutzkamp	76.6	71	147.6	73.8
Danny Trowbridge	84.2	58.6	142.8	71.4
Tony Markus	87.2	67.2	154.4	77.2
William Boyd	58.4 (Failure)	-----	58.4	29.2
David Britton	60	80.2	140.2	70.1
Steve Spurlock	50.6 (Failure)	-----	50.6	25.3
Joshua Gooding	76.4	60.4	136.8	68.4
Mark McCane	82.8	66.2	149	74.5
Kenneth Burcham	57.2 (Failure)	-----	57.2	28.6
Lonnie Lacy	86.8	84	170.8	85.4
Christopher Adrian	43.6 (Failure)	-----	43.6	21.8
Al Push	70.2	58.6	128.8	64.4
Kirby Rothenbuerger	89.4	74	163.4	81.7
Jerry Sheridan	64.6	64	128.6	64.3
Mitchell Lacey	79.4	53	132.4	66.2
William Schneider	55.2 (Failure)	-----	55.2	27.6
William Kaufman	62.2	66.6	128.8	64.4
Donald Brown	91.8	65.2	157	78.5
Daniel Kuchenmeister	40.4 (Failure)	-----	40.4	20.2
David Whitford	81	80	161	80.5
Brian Sharpshair	77.4	48	125.4	62.7
Gary Duncan	51.8 (Failure)	-----	51.8	25.9
Rusty Carmack	74.8	65	139.8	69.9
Lee Schweickart	Failed Heights	-----		
Keith Jester	77.2	78.6	155.8	77.9
Jason Stapleton	60.4	36.4	96.8	48.4

Year 2000
LEADS II – Cinergy East

Final Scores
(Continued)

Name	Field	Interview	Score Total	Total Average
Gary Bezold	61.4	74.6	136	68
Jason Allen	62.2	62	124.2	62.1
Edward Petrey	73.4	59.6	133	66.5
Nicholas Hisle	68.2	61.4	129.6	64.8
Joseph Garcia	89	74	163	81.5
James Tieves	73	52.4	125.4	62.7
Kimball Holmes	69.4	62	131.4	65.7
Stefan Allen	39 (Failure)	-----	39	19.5
Greg Sandfoss	54.2 (Failure)	-----	54.2	27.1
Russell Pheanis	60	58	118	59